

1 THE HONORABLE JOHN C. COUGHENOUR  
2  
3  
4  
5  
6

7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 DAVID BRUCE ALLEN,

14 Defendant.

CASE NO. CR20-0161-JCC

ORDER

15 This matter comes before the Court on Defendant's unopposed motion to continue the  
16 trial and pretrial motions deadline (Dkt. No. 16). The current pretrial motions deadline is October  
17 29, 2020 and the current trial date is December 7, 2020. (See Dkt. No. 12.) Having thoroughly  
18 considered the motion and the relevant record, the Court hereby GRANTS the motion for the  
19 reasons explained herein.

20 Defendant requests that the Court continue trial to provide additional time to review  
21 discovery and effectively prepare for trial. (Dkt. No. 16 at 2.) Defendant has filed a speedy trial  
22 waiver through August 1, 2021. (Dkt. No. 17.) The Government does not oppose Defendant's  
23 motion. (See Dkt. No. 16 at 2.) Moreover, the Court must consider Defendant's motion in the  
24 context in which it arises. Over the past seven months, the COVID-19 pandemic has significantly  
25 impacted the Court's operations. (See General Orders 01-20, 02-20, 07-20, 08-20, 11-20, 13-20,  
26 15-20 each of which the Court incorporates by reference.) Specifically, the pandemic has made it

1 difficult for the Court to obtain an adequate spectrum of jurors to represent a fair cross section of  
2 the community, and public health guidance has impacted the ability of jurors, witnesses, counsel,  
3 and Court staff to be present in the courtroom. (*See generally id.*)

4 Having thoroughly considered the briefing and the relevant record, the Court FINDS that  
5 the ends of justice served by granting a continuance outweigh the best interests of Defendant and  
6 the public to a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). The reasons for this finding are:

- 7 1. Defendant needs additional time to prepare for trial. Therefore, the failure to grant a  
8 continuance would deny Defendant's counsel reasonable time necessary for effective  
9 preparation. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).
- 10 2. The COVID-19 pandemic has made it difficult for the Court to obtain an adequate  
11 spectrum of jurors to represent a fair cross section of the community, which would  
12 likely make proceeding on the current case schedule impossible or would result in a  
13 miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(i).
- 14 3. Public health guidance has impacted the ability of jurors, witnesses, counsel, and  
15 Court staff to be present in the courtroom. Therefore, proceeding with the current trial  
16 date would likely be impossible. *See* 18 U.S.C. § 3161(h)(7)(B)(i).

17 Accordingly, the Court ORDERS:

- 18 1. The December 7, 2020 jury trial is CONTINUED until July 12, 2021.
- 19 2. The October 29, 2020 pretrial motions deadline is CONTINUED until May 28, 2021.
- 20 3. The period from the date of this order until July 12, 2021 is an excludable time period  
21 under 18 U.S.C. § 3161(h)(7)(A).

22 //

23 //

24 //

25 //

26 //

1 DATED this 3rd day of November 2020.  
2  
3  
4

5   
6

7 John C. Coughenour  
8 UNITED STATES DISTRICT JUDGE  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26